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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/898,150      | 07/03/2001  | Dietmar Uhde         | PD000032            | 2593             |

7590 04/07/2004

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| EXAMINER |
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ORTIZ CRIADO, JORGE L

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| ART UNIT | PAPER NUMBER |
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2655

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/898,150

Applicant(s)

UHDE ET AL.

Examiner

Jorge L Ortiz-Criado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-8, 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Shim U.S. Patent No. 6,608,804.

Regarding claim 1, Shim discloses a method for quickly producing read or write readiness of an apparatus for reading from or writing to an optical recording medium, the recording medium having identification information items which individually identify the respective recording medium (See Abstract; col. 4, lines 8-16, comprising the steps of:

- a) detecting identification information from said optical recording medium to identify the recording medium to the level of an individual disc (See col. 4, lines 8-16; col. 6, lines 21-22; Fig. 4, step 402),
- b) checking in a storage means for a stored adjustment parameter value associated with said individual disc (See col. 6, lines 23-28; Fig. 4, steps 404, 406), and
- c) reading said stored adjustment parameter value from said storage means, if the check made in said step b) is positive, and adjusting said apparatus in accordance with said adjustment

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parameter value read, to facilitate one of reading and writing to said recording medium (See col. 6, lines 23-36; Fig. 4, steps 404,406).

Regarding claim 2, Shim discloses wherein said step b) is negative, said apparatus is adjusted in order to be able to read from or write to a data area of the optical recording medium, and afterwards, for the identified recording medium, at least one adjustment parameter value corresponding to the adjusted state of the apparatus is stored in said storage means (See col. 6, lines 23-36; Fig. 4, step 404,406).

Regarding claim 3, Shim discloses wherein said storage means comprises a non-volatile memory (See col. 6, lines 26-31)

Regarding claim 5, Shim discloses a BCA data area of the optical recording medium is read as identification information (See col. 4, lines 8-16; col. 6, lines 16-18)

Regarding claim 6, Shim discloses a BCA data area of the optical recording medium is read as identification information (See col. 4, lines 8-16; col. 6, lines 21-22; Fig. 4, step 402).

Regarding claim 7, Shim discloses an apparatus for reading from or writing to an optical recording medium (See Fig. 1), comprising:

a recording medium having identification information items which individually identify the respective recording medium to the level of an individual disc(See col. 6, lines 16-18; Fig. 1),

a detection means for detecting said identification information items of said recording medium that has been inserted into the apparatus (See Fig. 1, ref# 102),

a control means for identifying said individual disc that has been inserted into the apparatus using said detected identification information items (See col. 1, lines 50-62; col. 6, lines 16-31; Fig. 1 ref# 116),

and for checking whether, for said individual disc that has been identified, at least one adjustment parameter value for operation of the apparatus is stored in a storage means, said control means being configured in such a way that, in the case where, for the identified individual disk an adjustment parameter value has been able to be identified in said storage means, said control means read said adjustment parameter value from said storage means and adjust write means or read means of the apparatus in accordance with said adjustment (See col. 1, lines 21-62; col. 6, lines 16-36; Fig. 1 ref# 116).

Regarding claim 8, Shim discloses wherein said detection means are formed by the write means or read means (See col. 1, lines 31-32; Fig. 1 ref# 102).

Regarding claim 11, Shim discloses wherein said detection means are configured in such a way that they read a BCA data area of the recording medium as the identification information items which individually identify the individual disc that has been inserted into the apparatus (See col. 1, lines 21-62; col. 6, lines 16-36; Fig. 1 ref# 116, Fig. 4).

Regarding claim 13, Shim discloses wherein said apparatus is configured for reading from and/or writing to a DVD-ROM disc as optical recording medium (See col. 1, lines 21-62; Fig. 1).

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim U.S. Patent No. 6,608,804 in view of Scibora U.S. Patent No. 6,366,544.

Regarding claim 4, Shim discloses all the limitations based on claim 3, as outlined above. Shim further discloses wherein said nonvolatile memory is provided into the apparatus and is accessed in said steps b) and c). But Shim fails to disclose a non-volatile data carrier provided externally to the apparatus, and in that the content of the file of said non-volatile data carrier is accepted into a memory, which is provided in the apparatus.

However this feature is well known in the art as evidenced by Scibora, which discloses a non-volatile data carrier provided externally to the apparatus, and in that the content of the file of said non-volatile data carrier is accepted into a memory, which is provided in the apparatus (See col. 3, lines 9-11; col. 4, lines 21-29; Fig. 1).

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to include an non-volatile data carrier provided externally to the apparatus and in that the content of the file of said non-volatile data carrier is accepted into a memory which is

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provided in the apparatus, in order to update by downloading to the nonvolatile memory in the apparatus, with other content files which identifies the recording medium and enable reading the recording medium as suggested by Scibora.

Regarding claim 10, Shim discloses all the limitations based on claim 7, as outlined above. Shim further discloses wherein said storage means comprises one of non-volatile memory of the apparatus. But Shim fails to disclose non-volatile data carrier provided externally to the apparatus.

However this feature is well known in the art as evidenced by Scibora, which discloses a non-volatile data carrier provided externally to the apparatus (See col. 3, lines 9-11; col. 4, lines 21-29; Fig. 1)

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to include an non-volatile data carrier provided externally to the apparatus, in order to download the content of the file of said non-volatile data carrier into a non volatile memory which is provided in the apparatus and therefore updating the nonvolatile memory with other content files which identifies the recording medium and enable reading the recording medium as suggested by Scibora.

5. Claims 9, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim U.S. Patent No. 6,608,804 in view of Sakamoto et al. U.S. Patent No. 6,606,284.

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Regarding claim 9, Shim discloses all the limitations based on claim 7, as outlined above. Shim further teaches a control means for carry out an adjustment of the write means or read means for the identified individual disc (See col. 2, line 65 to col. 3, line18).

But Shim fails to disclose wherein said control means are configured in such a way that, in the case where, for the identified individual disc, it has not been possible to identify an adjustment parameter value in the storage means, the said control means carry out an adjustment of the write means or read means and store in the storage means at least one adjustment parameter value corresponding to the adjusted state of the write means or read means.

However this feature is well known in the art as evidenced by Sakamoto et al. (See Abstract; col. 9, lines 11-38; col. 11, lines 60-67; col. 13, lines 10-31; Figs. 1, 3,4)

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to in the case where, for the identified recording medium, it has not been possible to identify an adjustment parameter value in the storage means, the said control means carry out an adjustment of the write means or read means and store in the storage means at least one adjustment parameter value corresponding to the adjusted state of the write means or read means, in order to speedily reproduce and shortening the duration required for the control means to carry out an adjustment as suggested by Sakamoto et al.

Regarding claim 12, Shim further discloses wherein said detection means are configured in such a way that they read a BCA data area of the individual disc as the identification information items which individually identify the individual disc that has been inserted into the apparatus (See col. 1, lines 21-62; col. 6, lines 16-36; Fig. 1 ref# 116, Fig. 4).



Regarding claim 14, Shim further discloses wherein said apparatus is configured for reading from or writing to a DVD-ROM disc as optical recording medium (See col. 1, lines 21-62; Fig. 1)

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Patent No. 5,155,719 to Masakawa, which discloses an optical recording medium having an identification information for identifying down to the level of individual disc among the same type of discs to be reproduced/recorded.
- b. U.S. Patent No. 6,580,683 to Braitberg et al., which discloses an optical recording medium having an identification information area for recording an id code for identifying down to the level of the individual disk among the same type of discs.
- c. U.S. Patent No. 6,188,659 to Mueller et al., which discloses a method for uniquely identify down to the level of the individual disk among the same types of disks.

#### ***Response to Arguments***

7. Applicant's arguments filed 01/14/2004 have been fully considered but they are not persuasive.

Applicant's response to the rejection of claims 1-8, 11 and 13 as unpatentable over Shim, claims 4 and 10 unpatentable over Shim in combination with Scibora, and claims 9, 12 and 14 as unpatentable over Shim in combination with Sakamoto et al..

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Applicants argued that Shim does not disclose or suggest individual disc identification.

The Examiner cannot concur because Shim discloses individual disk identification; Shim discloses identify between for example “**one DVD**” and “**one CD**”, which are different individual types and individual disks, by extracting the identifier disk code.

Further Shim suggests identify optical media down to the level of a specific individual disc among discs of the same type (See col.4, lines 1-5).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “**identify specific individual discs among discs of the same type**”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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